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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,338	01/14/2000	John Calabria	174-831-999	6846

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,338

Applicant(s)

CALABRIA ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 14-32 and 41-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims introduce new matter into the disclosure. The added material which is not supported by the original disclosure is as follows:

a. The phrase "to form a finished golf ball" (cl 14, 21, 23, and 25) lacks support in the instant disclosure. There is no mention that the instant specification that the ball removed from the mold is a finished golf ball as described by applicant's arguments filed 1/21/05. It should be noted that the instant specification neither mentions using a mold having dimple projections therein nor removing a ball having dimples thereon from the molds. It should also be noted that example 1 of the instant specification discloses that the ball is painted after being removed from the molds. This shows that the ball removed from the molds is not ready for commercial use.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14, 15, 17, 18, 20, 21, 22, and 28 are rejected under 35 U.S.C. 102(b)

as being anticipated by Brown et al (USPN 5006297). Brown et al teach the claimed process as evident at col 6, lns 29-32; col 7, lns 1-13; and figs 1-2. In regard to claims 17-18, such limitations are inherent in order to form a golf ball having a centered core.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5006297) as set forth in the Office action mailed 7/28/04.

6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5006297). In regard to claim 23, Brown et al teach the basic claimed process except allowing the first portion of pu to partially cure to a state of gel between 2000 and 30000 cps; allowing the second portion of pu to partially cure to a state of gel between 2000 and 30000 cps; and curing the PU to form a finished golf ball. In regard to allowing the first and second portions to partially cure to the claimed viscosity, viscosity is well-known in the molding art as an important molding parameter and the desired viscosity would have been

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obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed viscosity is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use PU having the claimed viscosity in the process of Brown et al in order to ensure proper center of the core. In regard to claim 24, Brown et al do not teach the claimed aligning steps, however such are well-known in the molding art in order to ensure proper centering of a preform within a molding material. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the claimed aligning steps into the process of Brown et al in order to ensure that the core of Brown et al is properly centered.

7. Claims 25-27 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5006297). In regard to claim 25, Brown et al teach the basic claimed process except placing the second portion into a second cavity at a time subsequent to the placing of the first portion into the first cavity; and curing the PU to form a finished golf ball. It should be mentioned that Brown et al teach placing pu into each of the cavities (col 7, lns 1-5). Sequential placement of material into multiple cavities is well-known in the molding art in order to reduce mold equipment complexity and to better control the condition of the material. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the second portion of Brown et al into the cavity after the placement of the first portion in order to better control the

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curing of the second portion. In regard to claims 26-27, such are inherently taught by Brown et al (col 6, Ins 29-32; col 7, Ins 1-13; and figs 1-2). In regard to claims 49-52, Brown et al do not teach molding a solid core; a thermoset layer over the core; a latex layer; and preheating the mold halves to the claimed temperature. In regard to molding a solid core, such is well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold a solid core for the golf ball of Brown et al in order to provide better play characteristics. In regard to a thermoset layer over the core, it is well-known in the molding art to use a primer layer in order to better bond materials. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a thermoset as the layer of Brown et al in order to better bond the core to the thermoset pu of Brown et al. In regard to a latex layer, the use of a specific material is a mere obvious matter of choice dependent on the desired final product and material availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, latex primer layers are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a latex primer layer in the process of Brown et al in order to better bond the core to the pu cover layer of Brown et al. In regard to preheating the mold halves to the claimed temperature, such is well-known in the molding in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to preheat the mold halves of Brown et al to within the

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claimed range in order to reduce cycle time without harming the quality of the material and the molded golf ball.

8. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5006297). The above teachings of Brown et al are incorporated hereinafter. Brown et al do not teach molding a solid core; a thermoset layer; a latex layer; and preheating the mold halves to the claimed temperature. In regard to molding a solid core, such is well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold a solid core for the golf ball of Brown et al in order to provide better play characteristics. In regard to a thermoset layer, it is well-known in the molding art to use a primer layer in order to better bond materials. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a thermoset as the layer of Brown et al in order to better bond the core to the thermoset pu of Brown et al. In regard to a latex layer, the use of a specific material is a mere obvious matter of choice dependent on the desired final product and material availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, latex primer layers are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a latex primer layer in the process of Brown et al in order to better bond the core to the pu cover layer of Brown et al. In regard to preheating the mold halves to the claimed temperature, such is well-known in the molding in order to reduce cycle time.

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Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to preheat the mold halves of Brown et al to within the claimed range in order to reduce cycle time without harming the quality of the material and the molded golf ball.

9. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5006297). The above teachings of Brown et al are incorporated hereinafter. Brown et al do not teach molding a solid core; a thermoset layer over the core; a latex layer; and preheating the mold halves to the claimed temperature. In regard to molding a solid core, such is well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold a solid core for the golf ball of Brown et al in order to provide better play characteristics. In regard to a thermoset layer over the core, it is well-known in the molding art to use a primer layer in order to better bond materials. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a thermoset as the layer of Brown et al in order to better bond the core to the thermoset pu of Brown et al. In regard to a latex layer, the use of a specific material is a mere obvious matter of choice dependent on the desired final product and material availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, latex primer layers are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a latex primer layer in the process of Brown et al in order to better bond the core to the

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pu cover layer of Brown et al. In regard to preheating the mold halves to the claimed temperature, such is well-known in the molding art in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to preheat the mold halves of Brown et al to within the claimed range in order to reduce cycle time without harming the quality of the material and the molded golf ball.

10. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5006297). The above teachings of Brown et al are incorporated hereinafter. Brown et al do not teach molding a solid core; a thermoset layer over the core; a latex layer; and preheating the mold halves to the claimed temperature. In regard to molding a solid core, such is well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold a solid core for the golf ball of Brown et al in order to provide better play characteristics. In regard to a thermoset layer over the core, it is well-known in the molding art to use a primer layer in order to better bond materials. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a thermoset as the layer of Brown et al in order to better bond the core to the thermoset pu of Brown et al. In regard to a latex layer, the use of a specific material is a mere obvious matter of choice dependent on the desired final product and material availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, latex primer layers are well-known in the molding art. Thus, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to use a latex primer layer in the process of Brown et al in order to better bond the core to the pu cover layer of Brown et al. In regard to preheating the mold halves to the claimed temperature, such is well-known in the molding in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to preheat the mold halves of Brown et al to within the claimed range in order to reduce cycle time without harming the quality of the material and the molded golf ball.

11. Applicant's arguments filed 1/21/05 have been fully considered but they are not persuasive. Applicant argues that Brown does not teach a finished golf ball after the first molding because Brown uses a second mold to form dimples on the ball produced from the first mold. Although Brown does teach using two molds to form a dimpled golf ball, the instant disclosure does not disclose removing a dimpled golf ball from the mold. In fact, the instant disclosure is void of any mention of dimples on the mold halves or the molded ball. Furthermore, example 1 of the instant specification discloses a step of painting the ball removed from the mold halves thus implying that the ball removed from the mold halves is not a finished product ready for commercial use. Therefore, the term "finished golf ball" does not deserve the narrow definition as found in applicant's arguments filed 1/21/05, but instead a broad definition such as a cured golf ball product, which is met by the teachings of Brown.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Claims 1-13 and 33-40 are allowed.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


4/18/07